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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
BROWN, MICHAEL J

ART UNIT	PAPER NUMBER
2116	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/733,781	GUO ET AL.
		Examiner	Art Unit	
		Michael J. Brown	2116	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 September 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>11 December 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

1.   Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Du

et al.(US PGPub 2004/0006690) in view of Schug(US PGPub 2002/0091863).

As to claim 1, Du discloses an apparatus comprising a machine-readable

medium(BIOS; see paragraph 0112, line 12) having stored thereon instructions that

when executed by a machine(CPU 26, see Fig. 3) result in the machine performing

operations comprising determining if an entertainment mode power on process is

selected for a computer system(PC; see paragraph 0112, line 9)(see Fig. 8, Item 804),

and enabling an OS(miniOS 80, see Fig. 3) to boot using predefined entertainment

mode account data(see Fig. 8, Items 812-832). However, Du fails to specifically

disclose enabling a driver to pass predefined entertainment mode user account data

stored on said computer system to an operating system(OS) of said computer system
and to execute at least one API function of said OS.

Schug teaches enabling a driver(INCA NIU Driver 200, see Fig. 2) to pass
existing OS functionality stored on a computer system(computer, see Fig. 2) to an
operating system(OS)(OS 220, see Fig. 2) of said computer system and to execute at
least one API function(INCA API call; see paragraph 0153, line 3) of said OS(see
paragraph 0082, lines 9-12; paragraph 0153, lines 3-4; and paragraph 0154, lines 4-6).
It would have been obvious to one of ordinary skill in the art at the time the invention
was made to add Schug's INCA NIU Driver 200 to Du's BIOS in order to transfer
network communicated data from the NIU to the OS physical memory(see Schug
Abstract, lines 6-8). The motivation to do so would have been to make the transfer with
only one physical copying and uses the existing OS's functionality to map the data to
the application address space(see Schug Abstract, lines 8-10).

As to claim 2, Du discloses the apparatus wherein said instructions further
performing operations comprising determining at least in part, if a conventional power
on process is selected(see Fig. 8, Item 804), and enabling said OS to perform a boot
process(see Fig. 8, Item 806).

As to claim 3, Du discloses the apparatus wherein said instructions further
performing operations comprising executing an entertainment mode application
program to permit a user to utilize said computer system to access data associated with
said entertainment mode application program(see paragraph 0111, lines 14-18).

As to claim 4, Du discloses the apparatus wherein said instructions further performing operations comprising enabling said entertainment mode application program to control access to selected hardware components of said computer system(see Fig. 8, Items 808 and 810).

As to claim 5, Du discloses the apparatus wherein said instructions further performing operations comprising enabling said entertainment mode application program to control access to selected software components of said computer system(see Fig. 8, Items 808 and 810).

As to claim 6, Du discloses the apparatus wherein said entertainment mode application program comprises a video application program executing instructions to permit said user to access video data on said computer system(see paragraph 0111, lines 14-18).

As to claim 7, Du discloses the apparatus wherein said entertainment mode application program comprises an audio application program executing instructions to permit said user to access audio data on said computer system(see paragraph 0111, lines 14-18).

As to claim 8, Du discloses the apparatus wherein said entertainment mode application program comprises a digital photograph application program executing instructions to permit said user to access digital photograph data on said computer system(see paragraph 0111, lines 14-18).

As to claim 9, Du discloses a method comprising enabling an installation program to store entertainment mode user account data on a computer(PC; see paragraph 0112,

line 9)(see Fig. 8, Item 804). However Du fails to specifically disclose enabling a driver to load said entertainment mode user account data stored on said computer into a logon application of an operating system and to execute at least one API function of the operating system.

Schug teaches enabling a driver(INCA NIU Driver 200, see Fig. 2) to load functionality stored on a computer(computer, see Fig. 2) into a logon application of an operating system(OS 220, see Fig. 2) and execute at least one API function(INCA API call; see paragraph 0153, line 3) of said operating system(see paragraph 0082, lines 9-12; paragraph 0153, lines 3-4; and paragraph 0154, lines 4-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Schug's INCA NIU Driver 200 to Du's BIOS in order to transfer network communicated data from the NIU to the OS physical memory(see Schug Abstract, lines 6-8). The motivation to do so would have been to make the transfer with only one physical copying and uses the existing OS's functionality to map the data to the application address space(see Schug Abstract, lines 8-10).

As to claim 10, Du discloses the method further comprising enabling an entertainment mode application program to be executed on said computer, after said operating system completes a boot up process(see Fig. 8, Items 812-818).

As to claim 11, Du discloses a system comprising a computer system(PC; see paragraph 0112, line 9) that includes an entertainment mode power switch(entertainment mode switch; see paragraph 0112, line 13), and a machine-readable medium(BIOS; see paragraph 0112, line 12) having stored thereon

instructions that when executed by a machine(CPU 26, see Fig. 3) result in the machine

performing operations comprising enabling entertainment mode user account data to be

stored on said computer system (see Fig. 8, Item 804), and said entertainment mode

power switch is activated to power said computer system(see Fig. 8, Items 812-832).

However, Du fails to specifically disclose that if the entertainment mode power switch is

activated to power said computer system then enabling a driver to pass said

entertainment mode user account data stored on said computer system to a logon

process of an operating system associated with said computer system and execute at

least one API function of the operating system.

Schug teaches enabling a driver(INCA NIU Driver 200, see Fig. 2) to pass

existing OS functionality stored on a computer system(computer, see Fig. 2) to a logon

process of an operating system(OS 220, see Fig. 2) of said computer system and to

execute at least one API function(INCA API call; see paragraph 0153, line 3) of said

operating system(see paragraph 0082, lines 9-12; paragraph 0153, lines 3-4; and

paragraph 0154, lines 4-6). It would have been obvious to one of ordinary skill in the art

at the time the invention was made to add Schug's INCA NIU Driver 200 to Du's BIOS

in order to transfer network communicated data from the NIU to the OS physical

memory(see Schug Abstract, lines 6-8). The motivation to do so would have been to

make the transfer with only one physical copying and uses the existing OS's

functionality to map the data to the application address space(see Schug Abstract, lines

8-10).

As to claim 12, Du discloses the system wherein said user account data being automatically passed to said operating system logon process(see paragraph 0113, lines 9-17).

As to claim 13, Du discloses the system wherein said instructions further performing operations comprising enabling an entertainment mode application program to execute after said operating system logon process, said entertainment mode application program being adapted to permit a user access to video associated with said computer(see paragraph 0111, lines 14-18).

As to claim 14, Du discloses the system wherein said instructions further performing operations comprising enabling said entertainment mode application program to control access to selected hardware components of said computer(see Fig. 8, Items 808 and 810).

As to claim 15, Du discloses the system wherein said instructions further performing operations comprising enabling said entertainment mode application program to control access to selected software components of said computer(see Fig. 8, Items 808 and 810).

As to claim 16, Du discloses the system wherein said instructions further performing operations comprising enabling an installation program to create said entertainment mode user account data on a computer(see paragraph 0111, lines 14-18), enabling an operating system function to create at least one of a username and password and associating at least one of said username and password with said entertainment mode user account data(see paragraph 0122), and enabling a driver to

load said user account data into an operating system logon application(see paragraph

0122).

Response to Arguments

2.   Applicant's arguments, see Remarks and Amendments, filed 9/10/2007, with

respect to the rejection(s) of claim(s) 1-16 under 35 U.S.C. 102(e) as being anticipated

by Du et al.(US PGPub 2004/0006690) have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a

new ground(s) of rejection is made in view of Du et al.(US PGPub 2004/0006690), and

further in view of Schug(US PGPub 2002/0091863).

Conclusion

3.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Brown whose telephone number is (571)272-5932. The examiner can normally be reached Monday-Thursday from 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on (571)272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J. Brown
Art Unit 2116

A. EXAMINER
PRIMARY EXAMINER